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Hitachi-LG Data Storage, Inc. &
Hitachi-LG Data Storage Korea, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: OPTICAL DISK DRIVE PRODUCTS
ANTITRUST LITIGATION

MDL NO. 10-MD-02143-RS

CASE NO. 13-CV-1877-RS

DEFENDANTS HITACHI-LG DATA
STORAGE, INC. AND HITACHI-LG
DATA STORAGE KOREA, INC.'S
ADMINISTRATIVE MOTION TO FILE
PORTIONS OF ANSWER UNDER SEAL

This Document Relates to:

STATE OF FLORIDA, OFFICE OF THE
ATTORNEY GENERAL, DEPARTMENT OF
LEGAL AFFAIRS,

Plaintiff,

V.

HITACHI-LG DATA STORAGE, INC., et al.

Defendants.

Hon. Richard Seeborg

[Civil L.R. 7-11 and 79-5(d)-(e)]

[Declaration of Michelle L. Visser; Proposed Order; and Redacted and Unredacted Versions of Document Sought to Be Sealed Filed Concurrently]

1 Pursuant to Civil Local Rules 7-11 and 79-5(d)-(e), and in accordance with this Court's
 2 General Order No. 62, Electronic Filing of Documents Under Seal, effective May 10, 2010, and
 3 its Revised Stipulated Protective Order ("Protective Order") [Dkt. 923] issued on June 24, 2013
 4 in the above-referenced multidistrict litigation, Defendants Hitachi-LG Data Storage, Inc.
 5 ("HLDS") and Hitachi-LG Data Storage Korea, Inc. ("HLDS Korea") (together, the "HLDS
 6 Defendants") hereby move the Court for leave to file portions of their Answer to the State of
 7 Florida's ("Florida") Second Amended Complaint for Damages, Civil Penalties, and Injunctive
 8 Relief ("Answer") under seal because they contain purported quotations, analysis of, references
 9 to, or information taken or derived from documents that other defendants have designated
 10 "CONFIDENTIAL" or "CONFIDENTIAL-RESTRICTED."

11 This motion is supported by the Declaration of Michelle L. Visser in Support of
 12 Defendants Hitachi-LG Data Storage, Inc. and Hitachi-LG Data Storage Korea, Inc.'s
 13 Administrative Motion to File Portions of Answer Under Seal.

14 Civil Local Rules 79-5 governs the filing under seal of entire documents or portions of
 15 documents that contain material that is "privileged, protectable as a trade secret or otherwise
 16 entitled to protection under the law." Civ. L. R. 79-5(b). Rule 79-5(e) provides, "[if] the
 17 Submitting Party is seeking to file under seal a document designated as confidential by the
 18 opposing party or a non-party pursuant to a protective order, or a document containing
 19 information so designated by an opposing party or a non-party, the Submitting Party's
 20 declaration in support of the Administrative Motion to File Under Seal must identify the
 21 document or portions thereof which contain the designated confidential material and identify the
 22 party that has designated the material as confidential ('the Designating Party')." The Protective
 23 Order in this action permits parties to designate documents as "CONFIDENTIAL" or
 24 "CONFIDENTIAL-RESTRICTED" and defines "Protected Material" to include "any Disclosure

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1 or Discovery Material that is designated as ‘CONFIDENTIAL.’”¹ The Protective Order also
 2 provides that “a Party may not file in the public record in this action any Protected Material.”²

3 On May 19, 2014, the State of Florida filed its Second Amended Complaint for Damages,
 4 Civil Penalties, and Injunctive Relief (“Complaint”) [Dkt. 1270-3, 1270-4], as well as an
 5 administrative motion pursuant to Civil Local Rules 7-11 and 79-5 to file under seal portions of
 6 paragraphs 76, 78, 107-133, 152-160, and 254 of the Complaint [Dkt. 1270], because, *inter alia*,
 7 information in paragraphs 76, 78, 107-133, and 152-160 “is identical to the information already
 8 ordered sealed by this Court in its Order Granting Plaintiff State of Florida’s Administrative
 9 Motion to File Under Seal Amended Complaint for Damages, Civil Penalties, Injunctive Relief,
 10 entered October 9, 2013, (Master Dkt. 1017),” and because “[l]imited portions of paragraph 254 .
 11 . . contain information produced by defendants containing transactional data designated as
 12 ‘Confidential’ or ‘Confidential-Restricted.’”³

13 Accordingly, the HLDS Defendants hereby move this Court for permission to file under
 14 seal the following portions of the Answer:

- 15 • Page 28, lines 6-7, 12-13, 21-27;
- 16 • Page 29, lines 5-7, 12-14, 20-22, 24-26;
- 17 • Page 30, lines 1-4, 9-11, 16-17, 22-24;
- 18 • Page 31, lines 3-5, 9-10, 15-17, 22-24;
- 19 • Page 32, lines 1-3, 8-9, 14-16, 20-21, 26-27;
- 20 • Page 33, lines 5-7, 11-16, 21-23;
- 21 • Page 34, lines 1-2, 7-8, 13-14, 19-20, 25-26;
- 22 • Page 39, lines 7-9, 14-15, 27;

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 24 ¹ Protective Order at §§ 2.14, 5, 7.2(c).

25 ² Protective Order at § 13.3.

26 ³ Plaintiff State of Florida’s Administrative Motion to File Under Seal Second Amended
 27 Complaint for Damages, Civil Penalties, and Injunctive Relief, May 19, 2014, Dkt. 1270, at 2-3.
 As of the date of this filing, the Court has not ruled on Florida’s administrative motion.

1 • Page 40, lines 1-4, 7-9, 13-15, 23-27;
2 • Page 41, lines 2-6, 9-11; and
3 • Page 64, lines 8-10.

4 The portions of the Answer which are requested to be sealed either quote or describe
5 portions of the Complaint that Florida moved to be sealed and that Florida represented contained
6 identical information to information already ordered sealed by this Court or information that was
7 otherwise designated “CONFIDENTIAL” OR “CONFIDENTIAL-RESTRICTED” pursuant to
8 the Protective Order.

9 Pursuant to Civil Local Rule 79-5(e), the HLDS Defendants state that because neither
10 Florida’s Complaint nor Florida’s Motion to Seal identify the parties that have designated the
11 material as “CONFIDENTIAL” or “CONFIDENTIAL-RESTRICTED,” the HLDS Defendants
12 are not in a position to identify such parties.

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1 Respectfully submitted,

2 THE HLDs DEFENDANTS,

3 By their attorneys,

4 By: /s/ Michelle L. Visser

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20 Dated: June 18, 2014
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